

REMARKS

Claims 83 – 100 are pending. No new matter has been added. Reexamination and reconsideration of the application are respectfully requested.

In the July 11, 2006 Office Action, the Examiner rejected claims 83 – 95 and 98 - 100 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,657,221 to U.S. Patent No. 6,007,228 to Agarwal (“the Agarwal reference”) in view of U.S. Patent No. 5,524,060 to Silfvast et al. (“the Silfvast reference”). The Examiner rejected claims 96 and 97 under 35 U.S.C. § 103(a) as being unpatentable over the Agarwal reference in view of the Silfvast reference and further in view of U.S. Patent No. 4,879,751 to Franks et al. (“the Franks reference”). These rejections are respectfully traversed.

Claim 83 recites:

An audio reproduction method adapted to a personal computer connected with an audio device, comprising:
receiving first audio data from an audio data source at an audio device;
receiving second audio data from the personal computer at the audio device;
performing mixing of the first audio data and the second audio data when the audio data source is selected as a selected audio source at a graphical user interface of the personal computer; and
inhibiting mixing of the first audio data and the second audio data from being performed when the personal computer is selected as the selected audio source at the graphical user interface of the personal computer.

The Examiner states that the Agarwal reference does not disclose that the mixing of the first audio data and the second audio data is prohibited when the personal computer is selected as the selected audio source at the GUI of the personal computer (PC). (*Office Action*, page 3). The applicant agrees with the Examiner and respectfully submits that claim 83 distinguishes over the Agarwal reference.

The Silfvast reference does not make up for the deficiencies of the Agarwal reference. The Examiner states that Silfvast reference discloses that the mixing of the

first audio data and the second audio data is inhibited when the personal computer is selected as the selected audio source. (*Office Action, page 3*). Specifically, the Examiner points to Figs. 5, 8, and 10, and col. 9, lines 1 – 35 plus col. 12, line 54 – col. 13, line 59 of the Silfvast reference, as disclosing the highlighted limitation. After review of the Silfvast reference and specifically those sections, the applicant respectfully disagrees with the Examiner.

Specifically, the Silfvast reference discloses that an audio amplifier 51 (which receives audio input) is a peripheral piece of equipment. The Silfvast reference also discloses that an audio tower 15 has a patch bay allowing audio signals to be routed from the mixer system 11 at a plurality of locations. A control interface subsystem 59 is part of a console in mixer system 11. This is disclosed as being separate from a personal computer. The interface subsystem includes a monitor for displaying control characteristics, metering elements, and also an array or rotary encoders. The encoder array provides selective input for various parameters which create a transfer characteristic. Management of the control interface subsystem 59 is by a PC compatible microcomputer (which is illustrated as separate from the control interface subsystem 59) connected to the audio mixer system 11 via a serial link 60. Digital communications to and from the amplifier 51 are accomplished over a second serial link. (*Silfvast, col. 9, lines 1 – 35*).

Further, the Silfvast reference discloses that the audio amplifier 51 receives audio input on line 53. The audio input on line 53 is routed to a voltage controlled amplifier 125 which alters the signal level according to variations in voltage V_c on line 127 and provides an audio output on line 55. The control voltage V_c is provided by a

digital signal processor (DSP) programmed at the operator interface. The transfer characteristic is recoded in RAM in the audio amplifier in a lookup table (which was transferred from RAM in the PC 54 over the second serial link 57). (*Silfvast, col. 12, lines 54 – 63*). The control circuitry at the controlled amplifier unit communicates audio signal strength information back to the control computer 54 for visual display. Level detector outputs are digitized and stored in latches 149 which can be read directly by control PC 54 over the second serial link 57. The gain output is stored in a latch for the PC to gather and used to display a gain on the appropriate graph of the monitor 21 (which is part of the audio mixer console). (*Silfvast, col. 13, lines 47 – 59*).

This is not the same as an audio reproduction method adapted to a personal computer connected with an audio device, including receiving first audio data from an audio data source at an audio device, receiving second audio data from the personal computer at the audio device, performing mixing of the first audio data and the second audio data when the audio data source is selected as a selected audio source at a graphical user interface of the personal computer, and **inhibiting mixing of the first audio data and the second audio data from being performed when the personal computer is selected as the selected audio source at the graphical user interface of the personal computer**. It is not the same because the Silfvast reference does not disclose that the audio amplifier 51 is receiving audio data (i.e., second audio data) from the computer 54 as is recited in claim 83. Instead, the Silfvast reference discloses that audio input is received on line 53 (which is akin to the first audio data). The Silfvast reference also discloses that the audio amplifier 51 receives the lookup table (and thus the transfer characteristic) from the RAM on the computer 54. In addition, the Silfvast

reference discloses that the control circuitry in the audio amplifier communicates audio signal strength information to the control computer 54 for visual display. The Silfvast reference further discloses that the PC can retrieve gain output information from latches on the audio amplifier 51 and display this on the monitor 21. However, nothing in the Silfvast reference discloses that the audio amplifier, akin to the **audio device** of claim 83, **receives second audio data from the PC**.

Further, there is no disclosure that mixing is inhibited by the Silfvast reference audio amplifier, as is recited in claim 83. In addition, the Silfvast reference does not disclose that the PC can be selected as the audio source. In contrast, the Silfvast reference discloses there is a second serial connection between the computer 54 and the audio amplifier 51 (akin to the audio device) but the Silfvast reference discloses only that control information, i.e., the transfer characteristic in the lookup table, is received by the audio amplifier. Therefore, the Silfvast reference cannot disclose that the **audio amplifier inhibits mixing of the first audio data and the second audio data from being performed when the computer is selected as the selected audio source**, as is recited in claim 83. The Silfvast reference does not address either that mixing is inhibited or that the PC can be selected as the audio source. Accordingly, applicant respectfully submits that claim 83 distinguishes over the Silfvast / Agarwal combination.

The applicant also believes that the Agarwal reference and the Silfvast reference are not properly combinable. The applicants respectfully submit that there is no motivation to combine the Agarwal reference with the Silfvast reference. It is well-settled that a reference must provide some motivation or reason for one skilled in the art

(working without the benefit of the applicant's specification) to make the necessary changes in the disclosed device. The mere fact that a reference may be modified in the direction of the claimed invention does not make the modification obvious unless the reference expressly or implicitly teaches or suggests the desirability of the modification.

In re Kotzab, 55 U.S.P.Q.2d 1313, 1317 – 1318 (Fed. Cir. 2000); In re Fitch, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992); In re Mills, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990). Absent such a showing in the prior art, the Examiner has impermissibly used hindsight by using the applicant's teaching as a blueprint to hunt through the prior art for the claimed elements and combine them as claimed. In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); Grain Processing Corp. v. American Maize Products, 840 F.2d 902, 907, 5USPQ2d 1788, 1792 (Fed. Cir. 1988).

While both the Agarwal reference and the Silfvast reference are directed to systems for playing audio data, the mixing of audio data from a docking station and an audio controller inside the PC (as is disclosed in the Agarwal reference) is not the same as having a mixer send a transfer characteristic through a PC to an audio amplifier to control an audio output from the audio amplifier. The Agarwal reference is directed to a system that includes a master mixer that mixes digital audio from the external audio controller in the docking station with digital audio data from an external audio controller inside the laptop PC. The Silfvast reference is directed to a mixing system that transmits a transfer characteristic through a PC to an audio amplifier and controls characteristics of audio output from the audio amplifier. There is no suggestion in the Agarwal reference to utilize the antiquated, cumbersome system of the Silfvast reference to control any output of the Agarwal system. Accordingly, the applicant

believes that the Agarwal reference and the Silfvast reference are not properly combinable.

The Franks reference does not make up for the deficiencies of the Agarwal / Silfvast combination. The Examiner utilizes the Franks reference to disclose that a system of the audio source is connected to an AUX switch and that the system further includes a MUTE adjuster on the graphical user interface for adjusting a mute level of the audio device. However, the Franks reference does not disclose an audio reproduction method adapted to a personal computer connected with an audio device, including receiving first audio data from an audio data source at an audio device, receiving second audio data from the personal computer at the audio device, performing mixing of the first audio data and the second audio data when the audio data source is selected as a selected audio source at a graphical user interface of the personal computer, and **inhibiting mixing of the first audio data and the second audio data from being performed when the personal computer is selected as the selected audio source at the graphical user interface of the personal computer**, as is recited in claim 83. Accordingly, applicant respectfully submits that claim 83 distinguishes over the Franks / Agarwal / Silfvast combination.

Independent claim 92 recites limitations similar to claim 83. Accordingly, applicant respectfully submits that independent claim 92 further distinguishes over the Agarwal / Silfvast / Franks combination for reasons similar to those discussed above in regard to claim 83.

Claims 84 – 91 and 93 – 10 depend, indirectly or directly, on claims 83 and 92 respectively. Accordingly, applicant respectfully submits that claims 84 – 91 and 93 –

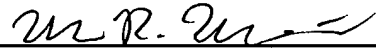
100 distinguish over the Agarwal / Silfvast / Franks combination for the same reasons as those discussed above in regard to claim 83.

Applicant believes that the claims are in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 to discuss the steps necessary for placing the application in condition for allowance should the Examiner believe that such a telephone conference would advance prosecution of the application.

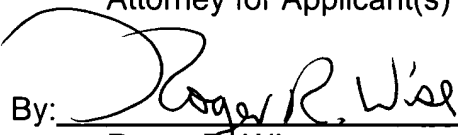
Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP

Date: October 2, 2006

By: 
Mark R. Kendrick
Registration No. 48,468
Attorney for Applicant(s)

Date: October 2, 2006

By: 
Roger R. Wise
Registration No. 31,204
Attorney for Applicant(s)

725 South Figueroa Street, Suite 2800
Los Angeles, CA 90017-5406
Telephone: (213) 488-7100
Facsimile: (213) 629-1033